App. F. IX-4

Previous References

1934. (Muzrai)

File No. 1 34

Serial Nos. 1 - 2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2 —

Part B for August 1934.

SUBJECT.

Re Devasthanams claim for site purchased by the Mysore Government for the construction of a chattram for non-Brahman Pilgrims

To The Muz Comr.
no 251 & 27 8-34

WD 01965—GPB—15,000—7-7-34

Directs him to give a reply in the form appended making necessary modifications

General and Revenue Secretariat | Law File No. 13) of 1934. | [App. F. III—2

Serial No.

1

From,

The Mag. Commr

No. C.40/3455 d 25.7.34 forwarding a Copy of Pethkars report d 6.7.34 giving Cause to a notice issued by the Commr of the Tirumalai-Tirupathi Devasthanams, to Show Cause why the Sites purchased by Mys Govt for a Brahmin Chatram should not be taken possn of by the Temple Committee under sec 45 of the Devasthanams Act XIX of 33 and soliciting instructions in the matter.

Said reference is invited to G.O. d 14.8.1930 according sanction to the purchase of S. nos 636/3 and 636/4 for Construction of a chatram at Tirupathi for the use of Brahmin pilgrims. Since it was reported that S.no. 636/3 is a devadaya Inam, Para 2 of the said G.O directed that an indemnity clause should be inserted in the sale deed; so that the interests of Govt would not suffer if the possession is disputed in future on that account.

Now it is reported that a notice has been issued by the Temple Committee ~~asking why~~ to a ~~respondent~~ to Show Cause why the entire S.no. 636 being a devadaya Inam should not be taken possession of by ~~Govt~~ the Committee under Sec 45 of the Devasthanams Act. The replies to the notice

NOTE—Contn. Sheet

WD 01955—GPB—22,500—12 6-34

have been got prepared by the Peshkar denoting the temple's rights & the lands in question. Vendor's title & lands is examined by the Govt Ad (vide case re notes in Mg. file 352-29).

Dft Replies proposed are subd for orders

The G. A may be consulted accordingly

[illegible]
3/8/34

G.O.No.P 2/34 dated 6.8.34

Forwarded with Compliments to the Govt. Advocate for favour of advice.

B.O.

[illegible]
for General Secretary

Dy 114/34 — dt 6.8.34

Returned with Compliments.

The second draft of 9.7.34 may be adopted as it is just possible that in the light of what is stated in para 4 thereof, the Commissioner may not take further proceedings in the matter

[illegible]
14.8.34

G.O. Dy 18/34 dt 15.8.34

Dft
[illegible]
17/8

Subd with a dft accordingly

ISD
17/8

Serial No.

1) The second draft prepared by Mr Vanadachan. dated 9.7.34 is certainly the more suitable for our purposes.

2) But it requires to be slightly revised so as to make out that we are concerned only with SNOs 636/3 + 636/4 and not with whole SNO:. The notes in Mur File 352-28, 8-16 show that it is only 636/3 that is "Devadaya" for the purpose of a Nandavanam + not both the subdivisions. The Mur Collr may verify this fact + mention it in the reply to the notice, if the same is found to be correct.

3) The draft reply portion to the Mur Collr is herewith put up on the above lines.

Gen Secy)
Fin Secy) ✓

17/8

20/8

21/8

4) If approved the draft will issue.

21/8/34

TYPING SECTION
23 AUG. 1934
GENL & REV SECTT

NOTE—Contn Sheet

WD 01955—GPB—22,500—12-6-34

File No. of 193 General and Reve Secretariat

251 dated 27. 8. 1934.
Fire 11. c in Alsace
Surfaces burnt on the lines indicated
in Zones 10 - 11 in the notes below.

538 f 34

GENL. & REV. SECRETARIAT
95
26. JUL. 1934

No. C 40/34-35
Encl 1 file

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

5

Dated, Bangalore, 24th July *1934.*

25

Muz 137-34-1.

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in My

To

S. Shamanna, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
Financial Department

N 2617
Asst Secy Lawkeeper (Compts)
2617

SIR,

Purchase of S.Nos.636/3 and 636/4 on the Tirupati Hills for the construction of a Chatiram at the place for non-Brahmin pilgrims.

Referring to correspondence ending with C.C.No.2539-40, Muz.352-28-16 dated 22nd May 1931 re: the above, I have the honor to forward herewith a copy of Peshkar's report No.9 dated 10th July 1934 giving cover to a notice issued by the Commissioner of the Tirum Lai-Tirupati Devastanams requesting to show cause why the above sites purchased by the Mysore Government should not be taken possession of by the Templ Committee under Section 45 of the Devastanams Act, No.VIX of 33 , (printed copy enclosed).

The Peshkar has also submitted a copy of the reply sent by Ved. Srinivasa Dikshit, the vendor of the site, to whom a similar notice had been sent and drafts of two alternative replies to be sent by the Commissioner on behalf of the Mysore Government.

I request you to kindly consult the Law Section and favour me with instructions as to which of the two drafts replies may be sent off and with what amendments, if any.

I have the honor to be,
Sir,
Your most obedient servant,

N Madhava Rao
Muzrai Commissioner.

Law
Please put up previous
Refer. 1884
27.7.34.

Muz. 352-28-16 is said to have been sent by me Muz. Br. for favour of putting up the refers
Muz. Br. refers the referred to is put up here with
TSD 31/7 28/7

In enclosing herein the notice dated 17-6-34 (En.1) received fro Commissioner, Tirumala Tirupati Devastanams Committee, I beg to submi on consultation with the two of the leading vakils of this place, the companying two draft replies to the Commissioner is prepared and are submitted for your Honour's kind approval. (Encls. Nos.2 and 3).

I received the said notice on the ~~10th~~ 4th inst., and I have intimate Devastanam Commissioner through an intermediate communication (En.No.4 copy of which is herein enclosed that formal reply to the notice may b awaited till after the receipt of orders from your Honour. I therefor beg to submit that orders on the matter may be kindly expedited.

It may be kindly noted that all points regarding the title and ot details of the said land were explored and discussed in detail prior completetition of sale transactions. The Government Order No.19-21/Muz. 28-12 dated 5th July 1930 and the previous references connected therew may be kindly referred to know the details thereof.

With reference to the several contentions raised in the draft rep I beg to submit that the legal advisors say as follows:-

(1) that from the latest view taken by the Madras High Court and by the Privy Council, these entries in the Inam Registers or the proceedings of the Inam Commissioner are not correct statement of facts and are not evidentiary of any right title or interest and they are still less conclusive and binding.

(2) from the word "Devadayam" in Inam Registers it is held in a recent case reported through in short notes in 65 M.L. Journal Notes of recent cases, page 23 that it does not mean necessarily a grant or gift to the temple. There are other case also.

It may be kindly noted that there are several lands in this locality styled as Nandanavanam at Tirumalai under the occupany of different perso and institutions from a very remote period. For instance the garden attached to our present choultry is one of this description.

The venor of the land Mr. A.Srinivasa Dikshit to whom the same notice was also issued has given a reply to the Devastanam authorities on 3-7-34 a copy of which is herein submitted for kind perusal (En.No.5).

I beg therefore to submit that the draft reply to the notice may kindly approved, selecting any one of these with such modification or corrections your Honour may deem necessary and forwarded to me to send the same to the Commissioner, Tirumalai Tirupati Devastanams. I have also herein enclosed the Tirumalai Tirupati Devastanam Act XIX of 1933 for the reference of Section 45 of the Act. (En.6)

"COPY"

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 2587 / Mg 137-34 2 Bangalore, Dated, 25th August 1934.

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
BANGALORE.

Sir,

With reference to your letter No.C.40/34-35 dated 25th July 1934, re: the notice issued by the Commissioner of the Tirumalai - Tirupathi Devastharam in the matter of purchase of S.Nos.636/3 and 636/4 on the Tirupathi Hills for construction of a Chattram at the place for Non-Brahmin pilgrims, I am directed to state that the second draft reply dated 9th July 1934 prepared by Mr. Varadachariar appears more suitable as it is just possible that in the light of what is stated in para 4 thereof, the Commissioner may not take further proceedings in the matter. The draft, however requires to be slightly revised so as to make it clear that we are not concerned with the whole of S.No.636 but only with two sub-divisions of it, Viz., 636/3 and 636/4. I am also to point out that your letter No.1422 dated 15th March 1930 mentions that it is only S.No.636/3 that is a Devadaya Inam land and that in respect of S.No.636/4 the vendor had an absolute title. This may be verified and if correct, the draft reply may mention this specifically.

The enclosures to your letter are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

for Financial Secretary to Government.

Appendix F G—1]

8

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to ... .

No.

To

The Hus. Comm^r

Sir,

General and Revenue Secretariat

( )

the *193*

With reference to your letter no. C 40/par-35 dated 25th July 1934 re. the notice issued by the Commissioner of the Tirumalai - Tirupathi Devasthanams in the matter of purchase of S. nos. 636/3 and 636/4 on the Tirupathi Hills for Construction of a Chattram at the place for non-brahmin pilgrims, I am directed to state that the second draft reply dated 9.7.34 prepared by Mr Varadachariar may be

Date of issue . ...

Signed by ....

List of enclosures ....

Copied by ....

Examined by... ... .

that in the light of that is stated in para 4 thereof, the Commissioner may not take further proceedings in the matter. The draft however requires to be slightly revised so as to make it clear that we are not concerned with the whole of SNO: 636 but only with two subdivisions of it, viz $\frac{636}{3}$ + $\frac{636}{4}$. Pl also to point that your letter No: 4422 dated 15 March 1930 mentions that it is only SNO: $\frac{636}{3}$ that is a Devadaya inam land & that in respect of SNO: $\frac{636}{4}$ the Vendor had an absolute title. This may be verified & if correct, the draft reply may mention this specifically.

The enclosures to your letter are herewith returned by your letter

I have seen

for Secy

JSD 17/5

The enclosures, to your letter are herewith returned

I have seen

for Secy

17/5